

House Engrossed

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 66

HOUSE BILL 2250

AN ACT

AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 20, ARTICLE 11, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-7316; RELATING TO DEPARTMENT OF TRANSPORTATION ADVERTISING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-6991, Arizona Revised Statutes, is amended to read:

28-6991. State highway fund; sources

A state highway fund is established that consists of:

1. Monies distributed from the Arizona highway user revenue fund pursuant to chapter 18 of this title.

2. Monies appropriated by the legislature.

3. Monies received from donations for the construction, improvement or maintenance of state highways or bridges. These monies shall be credited to a special account and shall be spent only for the purpose indicated by the donor.

4. Monies received from counties under cooperative agreements, including proceeds from bond issues. The state treasurer shall deposit these monies to the credit of the fund in a special account on delivery to the treasurer of a concise written agreement between the department and the county stating the purposes for which the monies are surrendered by the county, and these monies shall be spent only as stated in the agreement.

5. Monies received from the United States under an act of Congress to provide aid for the construction of rural post roads, but monies received on projects for which the monies necessary to be provided by this state are wholly derived from sources mentioned in paragraphs 2 and 3 of this section shall be allotted by the department and deposited by the state treasurer in the special account within the fund established for each project. On completion of the project, on the satisfaction and discharge in full of all obligations of any kind created and on request of the department, the treasurer shall transfer the unexpended balance in the special account for the project into the state highway fund, and the unexpended balance and any further federal aid thereafter received on account of the project may be spent under the general provisions of this title.

6. Monies in the custody of an officer or agent of this state from any source that is to be used for the construction, improvement or maintenance of state highways or bridges.

7. Monies deposited in the state general fund and arising from the disposal of state personal property belonging to the department.

8. Receipts from the sale or disposal of any or all other property held by the department and purchased with state highway monies.

9. Monies generated pursuant to section 28-410.

10. Monies distributed pursuant to section 28-5808, subsection B, paragraph 2, subdivision (d).

11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

12. Except as provided in section 28-5101, the following monies:

(a) Monies deposited pursuant to section 28-2206 and section 28-5808, subsection B, paragraph 2, subdivision (e).

(b) One dollar of each registration fee and one dollar of each title fee collected pursuant to section 28-2003.

(c) Two dollars of each late registration penalty collected by the director pursuant to section 28-2162.

(d) The air quality compliance fee collected pursuant to section 49-542.

(e) The special plate administration fees collected pursuant to sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through 28-2455 and 28-2514.

(f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156 if the director is the registering officer.

13. Monies deposited pursuant to chapter 5, article 5 of this title.

14. Donations received pursuant to section 28-2269.

15. Dealer and registration monies collected pursuant to section 28-4304.

16. Abandoned vehicle administration monies deposited pursuant to section 28-4804.

17. Monies deposited pursuant to section 28-710, subsection D, paragraph 2.

18. Monies deposited pursuant to section 28-2065.

19. Monies deposited pursuant to section 28-7311.

20. Monies deposited pursuant to section 28-7059.

21. Monies deposited pursuant to section 28-1105.

22. Monies deposited pursuant to section 28-2448, subsection D.

23. Monies deposited pursuant to section 28-3415.

24. Monies deposited pursuant to section 28-3002, subsection A, paragraph 14.

25. MONIES DEPOSITED PURSUANT TO SECTION 28-7316.

Sec. 2. Heading change

The article heading of title 28, chapter 20, article 11, Arizona Revised Statutes, is changed from "TOURIST ADVERTISING" to "ADVERTISING".

Sec. 3. Title 28, chapter 20, article 11, Arizona Revised Statutes, is amended by adding section 28-7316, to read:

28-7316. Assets and facilities advertising and sponsorship program; program termination; definitions

A. IN ADDITION TO THE URBAN AND RURAL LOGO SIGN PROGRAM ESTABLISHED BY SECTION 28-7311, THE DEPARTMENT MAY ESTABLISH A PROGRAM TO LEASE OR SELL ADVERTISING ON NONHIGHWAY ASSETS OF THE DEPARTMENT AND TO ALLOW MONETARY SPONSORSHIP OF FACILITIES AND OTHER ASSETS OF THE DEPARTMENT. THE ADVERTISING AND SPONSORSHIP PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL BE LIMITED TO MOTOR VEHICLE AND MOTORIST-RELATED GOODS AND SERVICES. THE DEPARTMENT MAY ADOPT RULES TO IMPLEMENT AND ADMINISTER THIS SECTION. THE DEPARTMENT MAY:

1. OPERATE, MODIFY OR TERMINATE ANY ADVERTISING AND SPONSORSHIP PROGRAM.

- 1 2. GENERATE REVENUE FROM ANY ADVERTISING AND SPONSORSHIP PROGRAM.
- 2 3. CONTRACT WITH A THIRD PARTY TO PERFORM ANY OR ALL ASPECTS OF THE
- 3 ADVERTISING AND SPONSORSHIP PROGRAM AUTHORIZED PURSUANT TO THIS SECTION.
- 4 B. THE DEPARTMENT OR A THIRD PARTY MAY NEGOTIATE AND EXECUTE LEASES
- 5 FOR VARIABLE TERMS, SET LEASE RATES, ESTABLISH LEASE TERMS AND PRESCRIBE
- 6 FORMS FOR LEASES.
- 7 C. IF THE DEPARTMENT CONTRACTS WITH A THIRD PARTY, THE THIRD PARTY
- 8 SHALL AGREE IN THE CONTRACT TO:
- 9 1. THE CONTRACTOR'S DUTIES, INCLUDING:
- 10 (a) FURNISHING, INSTALLING, MAINTAINING AND REPLACING THE ADVERTISING
- 11 AND SPONSORSHIP SPACE OR MEDIA ON THE AUTHORIZED ASSETS AND FACILITIES OF THE
- 12 DEPARTMENT.
- 13 (b) PROMOTING AND NEGOTIATING THE LEASING OF ADVERTISING AND
- 14 SPONSORSHIP SPACE OR MEDIA ON THE AUTHORIZED ASSETS AND FACILITIES OF THE
- 15 DEPARTMENT.
- 16 2. COMPENSATION.
- 17 D. COSTS INCURRED UNDER THE PROGRAM ESTABLISHED PURSUANT TO THIS
- 18 SECTION SHALL BE PAID UNDER AGREEMENTS NEGOTIATED BETWEEN THE DEPARTMENT OR
- 19 THE THIRD PARTY AND THE ADVERTISERS OR SPONSORS.
- 20 E. THE DEPARTMENT MAY ENTER INTO A REVENUE SHARING AGREEMENT WITH THE
- 21 THIRD PARTY. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
- 22 35-147, REVENUES GENERATED FROM THE ADVERTISING AND SPONSORSHIP PROGRAM,
- 23 MINUS PROGRAM OPERATING COSTS, IN THE STATE HIGHWAY FUND ESTABLISHED BY
- 24 SECTION 28-6991.
- 25 F. THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION ENDS ON JULY 1,
- 26 2026 PURSUANT TO SECTION 41-3102.
- 27 G. FOR THE PURPOSES OF THIS SECTION:
- 28 1. "ADVERTISING" MEANS SIGNAGE OR ELECTRONIC MEDIA ON DEPARTMENT
- 29 ASSETS THAT DISPLAY OR PROMOTE COMMERCIAL BRANDS, PRODUCTS OR SERVICES
- 30 THROUGH A LOGO, MESSAGE, SLOGAN OR OTHER INFORMATION.
- 31 2. "ASSETS" MEANS BUILDINGS, TRANSPORTATION INFRASTRUCTURE, VEHICLES,
- 32 SIGNAGE, EQUIPMENT, INTERNET OR OTHER ELECTRONIC MEDIA OR OTHER FACILITIES OR
- 33 ITEMS OF VALUE THAT ARE OWNED, MAINTAINED OR MANAGED BY THE DEPARTMENT.
- 34 3. "FACILITY" MEANS A BUILDING, ROOM, CENTER OR SPACE OR ANOTHER
- 35 LOCATION IN OR ON AN ASSET THAT IS OWNED, LEASED OR CONTROLLED BY THE
- 36 DEPARTMENT AND THAT THE DEPARTMENT DEEMS SUITABLE FOR SPONSORSHIP.
- 37 4. "SPONSORSHIP" MEANS THE ACT OF SPONSORING AN ELEMENT OF THE
- 38 DEPARTMENT'S OPERATION OF AN ASSET THROUGH HIGHWAY-RELATED SERVICES, PRODUCTS
- 39 OR MONETARY CONTRIBUTIONS.

APPROVED BY THE GOVERNOR MARCH 24, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2016.

Passed the House February 17, 2016

by the following vote: 38 Ayes,

22 Nays, 0 Not Voting

[Signature]
Speaker of the House

☒ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate March 17, 2016

by the following vote: 26 Ayes,

4 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

22nd day of March, 20 16

at 10:06 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 24th day of

March

at 10:57 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 24 day of March, 20 16

at 2:11 o'clock P. M.

[Signature]
Secretary of State

H.B. 2250